

REMARKS

In accordance with the foregoing, claims 1-8 have been amended. Claims 1-9 are pending, with claims 1, 5, and 8 being independent. No new matter is presented in this Amendment.

Submission of English Translation of One Korean Priority Application

Certified copies of the eight Korean priority applications of the present application were filed on January 20, 2004, in the present application. The Examiner has acknowledged receipt of these certified copies in item 12 on page 1 (the Office Action Summary) of the Office Action of October 2, 2007. Korean Patent Application No. 2002-63631 filed on October 17, 2002, is one of these eight Korean priority applications. Pursuant to 37 CFR 1.55(a)(4) and MPEP 201.15, submitted herewith is an English translation of Korean Patent Application No. 2002-63631 and a statement that the English translation is accurate to perfect the applicants' claim for foreign priority under 35 USC 119(a)-(d) with respect to Korean Patent Application No. 2002-63631. It is submitted it is readily apparent from the English translation that claims 1-9 of the present application are fully supported by Korean Patent Application No. 2002-63631.

Claim Rejections Under 35 USC 101

Claims 1-9 have been rejected under 35 USC 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

In explaining the rejection, the Examiner states as follows:

The claims do not meet the 35 U.S.C. 101 requirements (the claims have improper language regarding a machine-readable medium). Please see the USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" in the Official Gazette notice of 22 November 2005, Annex IV, page 53.

As an initial matter, it is submitted that the Examiner's citation to page 53 of the Official Gazette of November 22, 2005, as the basis for the rejection is inappropriate because the Official Gazette of November 22, 2005, is no longer available on line on the PTO's Web site, and thus is not readily available to the applicants. Although the Interim Guidelines themselves are

available on line on the PTO's Web site, the on-line version does not contain any page numbers. Thus, it is impossible for the applicants to determine exactly which portion of the Interim Guidelines the Examiner is relying on, which makes it impossible for the applicants to respond to the rejection without speculating about the basis for the rejection. Accordingly, should the Examiner repeat the rejection, it is respectfully requested that the Examiner identify the exact portion of the on-line version of the Interim Guidelines that forms the basis for the rejection.

Also, it appears that part of Annex IV of the Interim Guidelines referred to by the Examiner corresponds to MPEP 2106.01. Accordingly, should the Examiner repeat the rejection, it is respectfully requested that the Examiner cite to the MPEP rather than to the Interim Guidelines if at all possible.

In the meantime, claims 1-8 have been amended in an effort to overcome the rejection to the extent the applicants understand it. It is submitted that claims 1-9 (i.e., claims 1-8 and claim 9 depending from claim 8) are directed to statutory subject matter under 35 USC 101, and it is respectfully requested that the rejection of claims 1-9 under 35 USC 101 be withdrawn.

However, if the Examiner repeats the rejection, it is respectfully requested that the Examiner explain why she considers claims 1-9 to have "improper language regarding a machine-readable medium" to enable the applicants to adequately respond to the rejection.

Claim Rejections Under 35 USC 102

Claims 1-9 have been rejected under 35 USC 102(e) as being anticipated by Lamkin et al. (Lamkin '729) (U.S. Patent Application Publication No. 2005/0278729). This rejection is respectfully traversed.

In explaining the rejection on pages 2-4 of the Office Action of October 2, 2007, the Examiner relies only on claims 19, 25-28, and 31-33 of Lamkin '729. The Examiner's position appears to be as follows:

Claim 1 is taught by claim 19 of Lamkin '729.

Claim 2 is taught by claims 25 and 27 of Lamkin '729.

Claim 3 is taught by claims 25 and 26 of Lamkin '729.

Claim 4 is taught by claims 25, 31, and 32 of Lamkin '729.

Claim 5 is taught by claims 25-28 of Lamkin '729.

Claim 6 is taught by claims 25 and 27 of Lamkin '729.

Claim 7 is taught by claims 25 and 26 of Lamkin '729.

Claim 8 is taught by claims 25 and 31-33 of Lamkin '729.

Claim 9 is taught by claims 25, 31, and 32 of Lamkin '729.

Attached hereto are copies of a Utility Patent Application Transmittal, a Fee Transmittal, and a Notice of Copied Claims Under 37 C.F.R. § 1.604(b) filed on July 12, 2005, in Application No. 11/180,772 that was published as Lamkin '729. As can be seen from the Notice of Copied Claims, claims 1-24 of Lamkin '729 are identical to claims 1-24 of copending Application 10/686,521 because Lamkin '729 copied claims 1-24 of copending Application No. 10/686,521 as claims 1-24 of Lamkin '729. The inventors of the present application are also the inventors of copending Application No. 10/686,521, which was filed on the same day as the present application. Copending Application No. 10/686,521 is referred to by its publication number of 2004/0139394 in the Notice of Copied Claims.

Also, as can be seen from the Notice of Copied Claims, claims 25-33 of Lamkin '729 are identical to claims 1-9 of copending Application No. 10/685,694 because Lamkin '729 copied claims 1-9 of copending Application No. 10/685,694 as claims 25-33 of Lamkin '729. The inventors of the present application are also the inventors of copending Application No. 10/685,694, which was filed on the same day as the present application. Copending Application No. 10/685,694 is referred to by its publication number of 2004/0139249 in the Notice of Copied Claims.

The actual U.S. filing date of Lamkin '729 is July 12, 2005, which is after the U.S. filing date of October 16, 2003, of both of copending Application Nos. 10/686/521 and 10/685,694. Lamkin '729 purports to be a continuation of Application No. 09/935,756 filed on August 21, 2001, which was published as U.S. Patent Application Publication No. 2002/0078144 to Lamkin et al. (Lamkin '144). However, it is submitted that copied claims 1-33 of Lamkin '729 appear to contain new matter with respect to parent Application No. 09/935,756 of Lamkin '729 at least because the terms "buffer manager," "report signal," and "preload" (in all its forms) recited in various ones of claims 1-24 of copending Application No. 10/686,521 and various ones of claims 1-9 of copending Application No. 685,694 appear only in various ones of copied claims 1-33 of Lamkin '729 and do not appear elsewhere in Lamkin '729 or anywhere in Lamkin '144 which is a publication of parent Application No. 09/935,756 of Lamkin '729. In light of this, it is submitted

that Lamkin '729 is actually a continuation-in-part of parent Application No. 10/935,756 of Lamkin '729.

In any event, it is submitted that the Examiner cannot rely on any matter in Lamkin '729 (U.S. filing date of July 12, 2005) that does not appear in Lamkin '144 (U.S. filing date of August 21, 2001) which is a publication of parent Application No. 09/935,756 of Lamkin '729 because any such matter in Lamkin '729 has a U.S. filing date of July 12, 2005, which is after the U.S. filing date of October 16, 2003, of the present application. In particular, the Examiner cannot rely on any of claims 1-33 of Lamkin '729 to reject any of claims 1-9 of the present application because claims 1-33 of Lamkin '729 have a U.S. filing date of July 12, 2005, which is after the U.S. filing date of October 16, 2003, of the present application.

In light of this, it is submitted that the appropriate course of action would be for the Examiner to rely on Lamkin '144 to avoid the possibility of relying on any matter in Lamkin '729 that has a U.S. filing date of July 12, 2005. Accordingly, should the Examiner be inclined to continue to rely on Lamkin '729 in the next Office Action, it is respectfully requested that the Examiner rely on Lamkin '144 instead. Alternatively, should the Examiner decline to do this, it is respectfully requested that the Examiner specifically point out where any portions of Lamkin '729 relied on by the Examiner can also be found in Lamkin '144.

Furthermore, it is submitted that the Examiner cannot simply accept at face value the statement in Lamkin '729 (the child Lamkin '729) that Lamkin '729 was filed as a continuation of Application No. 09/935,756 filed on August 21, 2001, which was published as Lamkin '144 (the parent Lamkin '144), and assume that copied claims 1-33 of the child Lamkin '729 are therefore automatically entitled to the filing date of August 21, 2001, of the parent Lamkin '144. The Examiner's attention is directed to MPEP 201.11(I)(B), which provides as follows on MPEP page 200-59 (emphasis by underlining added):

The disclosure of a continuation application must be the same as the disclosure of the prior-filed application. See MPEP § 201.07. The disclosure of a divisional application must be the same as the disclosure of the prior-filed application, or include at least that portion of the disclosure of the prior-filed application that is germane to the invention claimed in the divisional application. See MPEP § 201.06. The disclosure of a continuation or divisional application cannot include anything which would constitute new matter if inserted in the prior-filed application. A continuation-in-part application may include matter not disclosed in the prior-filed

application. See MPEP § 201.08. Only the claims of the continuation-in-part application that are disclosed in the manner provided by the first paragraph of 35 U.S.C. 112 in the prior-filed application are entitled to the benefit of the filing date of the prior-filed application. If there is a continuous chain of copending nonprovisional applications, each copending application must disclose the claimed invention of the later-filed application in the manner provided by the first paragraph of 35 U.S.C. 112, in order for the later-filed application to be entitled to the benefit of the earliest filing date.

Under 35 U.S.C. 120, a claim in a U.S. application is entitled to the benefit of the filing date of an earlier filed U.S. application if the subject matter of the claim is disclosed in the manner provided by 35 U.S.C. 112, first paragraph, in the earlier filed application. See, e.g., *Tronzo v. Biomet, Inc.*, 156 F.3d 1154, 47 USPQ2d 1829 (Fed. Cir. 1998); *In re Scheiber*, 587 F.2d 59, 199 USPQ 782 (CCPA 1978). A claim in a subsequently filed application that relies on a combination of prior applications may not be entitled to the benefit of an earlier filing date under 35 U.S.C. 120 since 35 U.S.C. 120 requires that the earlier filed application contain a disclosure which complies with 35 U.S.C. 112, first paragraph for each claim in the subsequently filed application. *Studiengesellschaft Kohle m.b.H. v. Shell Oil Co.*, 112 F.3d 1561, 1564, 42 USPQ2d 1674, 1677 (Fed. Cir. 1997).

Thus, if a continuing application that purports to be a continuation application includes something that would constitute new matter if inserted in the parent application, then the continuing application is in fact a continuation-in-part application. Here, it is submitted that copied claims 1-33 of the child Lamkin '729 would constitute new matter if inserted in the parent Lamkin '144 because there is no support in the parent Lamkin '144 for copied claims 1-33 of the child Lamkin '729 at least because the terms "buffer," "buffer manager," "preload," "preloading," "preloaded," "preloads," "fetch signal," and "[obj].allDone API" that appear in various ones of copied claims 1, 2, 4, 5, 8-12, 14-19, 20-23, and 25-33 of the child Lamkin '729 appear only in copied claims 1, 2, 4, 5, 8-12, 14-19, 20-23, and 25-33 of the child Lamkin '729 and do not appear anywhere else in the child Lamkin '729 or anywhere at all in the parent Lamkin '144. In light of this, it is submitted that the child Lamkin '729 is actually a continuation-in-part of the parent Lamkin '144.

The Examiner's attention is directed to MPEP 201.06(c)(III), which provides as follows on MPEP page 200-25 (emphasis by underlining added):

Where a copy of the oath or declaration from a prior application was filed in a continuation or divisional application, if the examiner determines that new matter is present relative to the prior application, the examiner should so notify the applicant in the next Office action (preferably the first Office action). The examiner should require: (A) a new oath or declaration along with the surcharge set forth in 37 CFR 1.16(f); and (B) that the application be redesignated as a continuation-in-part.

Here, a copy of the declaration from the parent Lamkin '144 was filed in the child Lamkin '729. Since claims 1-33 of the child Lamkin '729 are new matter relative to the parent Lamkin '144 at least for the reasons discussed above, it is submitted that the Examiner of the child Lamkin '729 will be required to require the applicants of the child Lamkin '729 to redesignate the child Lamkin '729 as a continuation-in-part application. It is noted that the child Lamkin '729 was docketed to Examiner Steven Paul Sax in Art Unit 2174 on September 19, 2007.

Here, the Examiner relies only on copied claims 19, 25-28, and 31-33 of Lamkin '729 in explaining the rejection of claims 1-9 under 35 USC 102(e) as being anticipated by Lamkin '729 on pages 2-4 of the Office Action of October 2, 2007.

Accordingly, it is submitted that the burden is on the Examiner of the present application, who is relying on copied claims 19, 25-28, and 31-33 of the child Lamkin '729 as a reference against claims 1-9 of the present application, to determine whether copied claims 19, 25-28, and 31-33 of the child Lamkin '729 are in fact entitled to the filing date of August 21, 2001, of the parent Lamkin '144 pursuant to MPEP 706.02(VI), which provides as follows on MPEP page 700-23 (emphasis by underlining added):

The effective filing date of a U.S. application may be determined as follows:

...

(B) If the application is a continuation-in-part of an earlier U.S. application or international application, any claims in the new application not supported by the specification and claims of the parent application have an effective filing date equal to the filing date of the new application. Any claims which are fully supported under 35 U.S.C. 112 by the earlier parent application have the effective filing date of that earlier parent application.

Here, since copied claims 1-33 of the child Lamkin '729 would constitute new matter if inserted in the parent Lamkin '144 at least for the reasons discussed above, it is submitted that

copied claims 1-33 of the child Lamkin '729, which include copied claims 19, 25-28, and 31-33 of the child Lamkin '729 relied on by the Examiner in the rejection of claims 1-9 of the present application over the child Lamkin '729, are not supported by the parent Lamkin '144, and thus have an effective filing date that is the filing date of the child Lamkin '729, i.e., July 12, 2005, which is after the filing date of October 16, 2003, of the present application, such that copied claims 19, 25-28, and 31-33 of the child Lamkin '729 cannot be used as a reference against claims 1-9 of the present application. Should the Examiner disagree, it is respectfully requested that the Examiner explain in detail why she considers copied claims 19, 25-28, and 31-33 of the child Lamkin '729 to be supported by the parent Lamkin '144 in light of the detailed arguments presented above in which the applicants have pointed out why there is no such support.

Furthermore, the Examiner's attention is directed to MPEP 2304.02(d), which provides as follows on MPEP page 2300-25 (emphasis by underlining added):

An applicant is not entitled to an interference simply because applicant wants one. The interfering claim must be allowable, particularly with respect to the written description supporting the interfering claim.

Historically, an applicant provoked an interference by copying a claim from its opponent. The problem this practice created was that differences in the underlying disclosures might leave the claim allowable to one party, but not to the other; or despite identical claim language differences in the disclosures might require that the claims be construed differently.

Rather than copy a claim literally, the better practice is to add (or amend to create) a fully supported claim and then explain why, despite any apparent differences, the claims define the same invention. 37 CFR 41.203(a). The problem of inadequate written description in claims added or amended to provoke an interference is so great that the issue has been singled out for heightened scrutiny early in the course of an interference. 37 CFR 41.201, under "Threshold issue."

Title 37 CFR 41.201 referred in the above passage reads as follows:

Threshold issue means an issue that, if resolved in favor of the movant, would deprive the opponent of standing in the interference. Threshold issues may include:

- (1) No interference-in-fact, and

(2) In the case of an involved application claim first made after the publication of the movant's application or issuance of the movant's patent:

(i) Repose under 35 U.S.C. 135(b) in view of the movant's patent or published application, or

(ii) Unpatentability for lack of written description under 35 U. S.C. 112(1) of an involved application claim where the applicant suggested, or could have suggested, an interference under § 41.202(a).

Here, it is submitted that copied claims 1-33 of the child Lamkin '729, which include copied claims 19, 25-28, and 31-33 of the child Lamkin '729 relied on by the Examiner in the rejection of claims 1-9 of the present application over the child Lamkin '729, are not supported by the underlying disclosure of the child Lamkin '729 (i.e., the abstract, the specification, and the drawings of the child Lamkin '729) in the manner required by 35 USC 112, first paragraph, at least for the reasons discussed above, such that copied claims 1-33 of the child Lamkin '729 are unpatentable to the applicants of the child Lamkin '729 under 35 USC 112, first paragraph, for lack of written description.

Since the Examiner relied only on claims 19, 25-28, and 31-33 of Lamkin '729 in the rejection of claims 1-9 under 35 USC 102(e) as being anticipated by Lamkin '729, and since claims 19, 25-28, and 31-33 of Lamkin '729 have a U.S. filing date of July 12, 2005, which is after the U.S. filing date of October 16, 2003, of the present application, and are not entitled to the filing date of August 21, 2001, of the parent Lamkin '144 for the reasons discussed above, it is respectfully requested that the rejection of claims 1-9 under 35 USC 102(e) as being anticipated by various ones of claims 19, 25-28, and 31-33 of Lamkin '729 be withdrawn.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

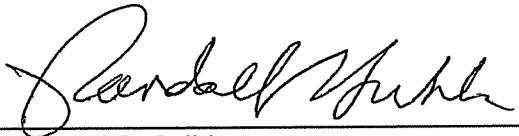
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this paper, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 01/02/08

By: 
Randall S. Svihla
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Attachments

071205

18351

PTO/SB/05 (09-04)

Approved for use through 07/31/2006. OMB 0651-0032
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UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket No.	86618 7236
	First Inventor	Lamkin, et al.
	Title	PRESENTATION OF MEDIA CONTENT
	Express Mail Label No.	EV 333 463 534 US

APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents.</i>	ADDRESS TO: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
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1. ☒ **Fee Transmittal Form** (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ **Applicant claims small entity status.**
See 37 CFR 1.27.
3. ☒ **Specification.** [Total Pages 138]
Both the claims and abstract must start on a new page
(For information on the preferred arrangement, see MPEP 608.01(a))
4. ☒ **Drawing(s)** (35 U.S.C. 113) [Total Sheets 15]
5. **Oath or Declaration.** [Total Sheets 1]
 a. ☐ Newly executed (original or copy)
 b. ☒ A copy from a prior application (37 CFR 1.63 (d))
 (for continuation/divisional with Box 18 completed)
 i. ☐ **DELETION OF INVENTOR(S)**
 Signed statement attached deleting inventor(s)
 name in the prior application, see 37 CFR
 1.63(d)(2) and 1.33(b).
 ii. ☐ paper
 c. ☐ Statements verifying identity of above copies.
6. ☒ **Application Data Sheet.** See 37 CFR 1.76
7. ☐ **CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)**
☐ Landscape Table on CD
8. **Nucleotide and/or Amino Acid Sequence Submission**
(if applicable, items a. - c. are required)
 a. ☐ Computer Readable Form (CRF)
 b. ☐ Specification Sequence Listing on:
 i. ☐ CD-ROM or CD-R (2 copies); or
 ii. ☐ paper
 c. ☐ Statements verifying identity of above copies.

ACCOMPANYING APPLICATION PARTS

9. ☐ **Assignment Papers** (cover sheet & document(s))

 Name of Assignee _____
10. ☐ **37 CFR 3.73(b) Statement** ☐ **Power of Attorney**
(when there is an assignee)
11. ☐ **English Translation Document** (if applicable)
12. ☐ **Information Disclosure Statement** (PTO/SB/08 or PTO-1449)
☐ Copies of citations attached
13. ☐ **Preliminary Amendment**
14. ☒ **Return Receipt Postcard** (MPEP 503)
(Should be specifically itemized)
15. ☐ **Certified Copy of Priority Document(s)**
(if foreign priority is claimed)
16. ☐ **Nonpublication Request** under 35 U.S.C. 122 (b)(2)(B)(i).
 Applicant must attach form PTO/SB/35 or equivalent.
17. ☒ **Other: Notice of Copied Claims** (37 CFR 1.604)

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: **09/935,756**

Prior application information:

Examiner **Bayerl, Raymond J.**Art Unit: **2173****19. CORRESPONDENCE ADDRESS**☒ The address associated with Customer Number:**22242**

OR

☐ Correspondence address below

Name	FITCH, EVEN, TABIN & FLANNERY				
Address	Suite 1600 - 120 South LaSalle Street				
City	Chicago	State	IL	Zip Code	60603-3406
Country	USA	Telephone	805-781-2865	Fax	805-541-2802

Signature		Date	July 12, 2005
Name (Print/type)	Thomas F. Lebens	Registration No. (Attorney/Agent)	38221

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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U.S. PTO

PTO/SB/17 (12-04)

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Effective on 12/8/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005**Complete if Known**

☐ Applicant Claims small entity status. See 37 CFR 1.27	Application Number	
	Filing Date	
	First Named Inventor	Lamkin
	Examiner Name	
	Art Unit	
TOTAL AMOUNT OF PAYMENT	(\$) 2350	Attorney Docket No. 86618 7236

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: **06-1135** Deposit Account Name: **FITCH, EVEN, TABIN & FLANNERY**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charges fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17, except issue fee☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300		500		200		1000
Design							
Plant							
Reissue							
Provisional							

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
33	- 20 or HP = 13	x 50	= 650		

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
4	- 3 or HP = 1	x 200	= 200

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$ _____ (\$ for small entity)

for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41 (a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
161	- 100 = 61	/ 50 = 2 (round up to a whole number)	x 250	= 500

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: _____

SUBMITTED BY

Signature	Registration No. 38221 (Attorney/Agent)	Telephone 805-781-2865
Name (Print/Type) Thomas F. Lebens		Date July 12, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Lamkin et al.
Serial No.:	Not yet assigned
Filed:	Filed herewith
For:	PRESENTATION OF MEDIA CONTENT
Group Art Unit:	Not yet assigned
Examiner:	Not yet assigned
Customer No.:	22242

NOTICE OF COPIED CLAIMS UNDER 37 C.F.R. § 1.604(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby gives notice to the Examiner that claims 1 through 24 of the present application were copied from United States Patent Application Publication No. 2004/0139394 (the '394 application) and claims 25 through 33 of the present application were copied from United States Patent Application Publication No. 2004/0139249 (the '249 application). Claims 1 through 24 of the present application are claiming the same subject matter as claims 1 through 24 of the '394 application and claims 25 through 33 of the present application are claiming the

Page 2

same subject matter as claims 1 through 9 of the '249 application.

Dated: July __, 2005

Respectfully submitted,

Thomas F. Lebens
Reg. No. 38,221

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